IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.388 OF 2007

Manoj Shardaprasad Tiwari & anr. ...Appellants
vs.
Siddharth S. Tiwari and ors. ...Respondents

Mr.Jaidev Zaveri h/f M/s.M.P.Vashi & Associates for the Appellants
Mr.Gidwani with Mr.M.V.Tendulkar for Respondent Nos.1 to 6.
Ms Geeta Joglekar for B.M.C.

CORAM: A.S.OKA,J.
DATE : JUNE 8, 2007.

P.C.:

1. Heard learned Counsel for the parties. Since the challenge in this Appeal from Order is to an order refusing to grant ad-interim relief, the Appeal is taken up for final hearing at the stage of admission.

2. The Appellants are the original Plaintiffs. The Appellants filed a suit for injunction restraining the Respondent Nos.1 to 6 from putting up the hoarding or proceeding further with the construction work of erecting the hoarding in the passage which is more particularly described in the plaint. By the impugned order, the learned Trial Judge declined to grant ad-interim injunction.

3. This Court has granted ad-interim relief directing the parties to maintain status quo as prevailing on 4th May 2007. The Notice of Motion is pending with the Trial Court. Considering the fact that ad-interim order of this Court is

operating from 4th May 2007, it is in the interests of justice if the said ad-interim order is continued till the disposal of the Notice of Motion and the Trial Court is directed to decide the Notice of Motion in a time bound schedule.

4. Hence, Appeal is disposed of by passing the following order :

i) Ad-interim order passed by this Court on 4th May 2007 will continue to operate till the final disposal of the pending Notice of Motion.

ii) The learned Trial Judge will decide the Notice of Motion as expeditiously as possible and in any event on or before 31st July 2007.

iii) The Notice of Motion will be decided without being influenced by grant of ad-interim order by this Court.

iv) All contentions of the parties on merits of the pending Notice of Motion are kept open.

v) Appeal is disposed of in above terms.

vi) Parties to act upon an authenticated copy of this order.

JUDGE